

STATE OF VERMONT  
PUBLIC SERVICE BOARD

Docket No. 7600

Investigation into (1) whether Entergy Nuclear )  
Vermont Yankee, LLC, and Entergy Nuclear )  
Operations, Inc.,(collectively, "Entergy VY"), )  
should be required to cease operations at the )  
Vermont Yankee Nuclear Power Station, or take )  
other ameliorative actions, pending completion )  
of repairs to stop releases of radionuclides, )  
radioactive materials, and, potentially, other )  
non-radioactive materials into the environment; )  
(2) whether good cause exists to modify or )  
revoke the 30 V.S.A. § 231 Certificate of Public )  
Good issued to Entergy VY; and (3) whether )  
any penalties should be imposed on Entergy VY )  
for any identified violations of Vermont statutes )  
or Board orders related to the releases )

Order entered: 8/26/2010

**ORDER RE: IBEW MOTION TO ALTER SCHEDULE**

On August 4, 2010, the International Brotherhood of Electrical Workers ("IBEW") filed a motion (the "IBEW Motion") seeking to modify a filing deadline set forth in our Procedural Order in this docket dated July 28, 2010 (the "Procedural Order"). Specifically, IBEW requests that the existing deadline for all parties to file reply briefs be extended from Wednesday, September 8, 2010, to Friday, September 10, 2010.

Pursuant to the Procedural Order, the extension request made in the IBEW Motion was due to be filed on August 3, 2010. Therefore, the IBEW Motion also includes a request for "leave to file out of time on August 4, 2010."<sup>1</sup>

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1. IBEW Motion at 1.

The IBEW Motion indicates that IBEW attempted to obtain the assent of all parties to its extension request.<sup>2</sup> While not all parties responded to IBEW's inquiries, IBEW did obtain the consent of several parties to the requested scheduling change, provided that the extension is granted to all parties.<sup>3</sup> No party has opposed the IBEW Motion.<sup>4</sup>

Because the IBEW Motion is unopposed, we grant both IBEW's request for leave to file out of time and IBEW's request to extend for all parties the reply brief filing deadline to September 10, 2010. However, in granting this relief, we note that this is the second time in this docket that IBEW has failed to abide by a scheduling order deadline.<sup>5</sup> Our procedural orders are intended to facilitate the timely and orderly conduct of our dockets so that our time and attention may be focused on the merits of the issues to be decided. All parties are required to participate in a manner that does not burden either the process or the progress of our proceedings. Therefore, we are troubled by IBEW's demonstrated pattern in this docket of missing scheduling deadlines. We expect IBEW and all other parties to adhere to the requirements of our procedural orders.

**So ORDERED.**

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2. IBEW Motion at 2.

3. The parties who have expressed support for the IBEW Motion are: Entergy Nuclear Vermont Yankee, LLC and Entergy Nuclear Operations, Inc., ("Entergy VY"); the New England Coalition; the Conservation Law Foundation; Green Mountain Power Corporation; Conservation Law Foundation; Vermont Public Interest Research Group; Vermont Natural Resources Council; and the Connecticut River Watershed Council.

4. Pursuant to Vermont Rule of Civil Procedure 78(b)(1), any memorandum in opposition to the IBEW Motion was due to be filed on August 19, 2010. The Board has received no such filings.

5. See *IBEW Local 300 Request for Leave to File out of Time and Opposition to the Motion to Alter Schedule by the New England Coalition*, filed on June 25, 2010.

Dated at Montpelier, Vermont, this 26<sup>th</sup> day of August, 2010.

<u>s/ James Volz</u>	)	
	)	PUBLIC SERVICE
	)	
<u>s/ David C. Coen</u>	)	BOARD
	)	
	)	OF VERMONT
<u>s/ John D. Burke</u>	)	

OFFICE OF THE CLERK

FILED: August 26, 2010

ATTEST: s/ Susan M. Hudson  
Clerk of the Board

*NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)*